

HARDY AND KELLY LLC,

Plaintiff,

v.

QBE INSURANCE CORPORATION and

SPECIALTY INSURANCE AGENCY, INC.)

Defendants.

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

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In support of their Motion, Defendants rely upon the pleadings filed to date, the depositions filed with the Court, the Statement of Material Facts in Support of Defendants' Motion for Summary Judgment, the Memorandum of Law in Support of Defendants' Motion for Summary Judgment, and the following exhibits attached hereto:

- Exhibit 1 - QBE Policy, CAUSES OF LOSS – SPECIAL FORM, § B. Exclusions;
- Exhibit 2 - Exhibit 1, PLUS D – ADDITIONAL COVERAGES AND COVERAGE EXTENSIONS;
- Exhibit 3 - Final Report of Dickie Jones;
- Exhibit 4 - METRO Water SERVICES – STORMWATER DIVISION, ANNUAL REPORT PERMIT CYCLE 2, YEAR 7, TABLE 6-E.3 SUMMARY OF MWS SYSTEM SERVICES SEWER OVERFLOW RESPONSES IN PY7 (Nov. 2010) at p.80;
- Exhibit 5 - Affidavit of Bill Harris;
- Exhibit 6 - Affidavit of Annise Benanito;
- Exhibit 7 - Letter of Bill Harris to Plaintiff dated May 19, 2010;
- Exhibit 8 - Defendant QBE's Interrogatory Nos. 4, 6, and 8; and
- Exhibit 9 - Defendant SIA's Interrogatory No. 4;

all of which are incorporated herein by reference and made a part of this motion.

Respectfully submitted,

**LEITNER, WILLIAMS, DOOLEY
& NAPOLITAN, PLLC**

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QBE Insurance Corporation and
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded, via the Court's Electronic Case Filing System (CM/ECF) to all parties indicated on the electronic filing receipt or by U.S. Mail, postage prepaid, to:

John Jacobson, Esq.
Elizabeth Gonser, Esq.
RILEY WARNOCK & JACOBSON, PLC
1906 West End Avenue
Nashville, Tennessee 37203

This the 13th day of March 2012.

By: s/ Thomas J. Dement II
Thomas J. Dement II